

State Laws

About Sex Ed and Abuse Prevention

STATUTORY OVERVIEW

Most of our laws about sex education and abuse prevention instruction are found in Section §28.004 of the Texas Education Code. These laws cover the following topics:

- **School Health Advisory Councils (SHACs):** The law creates SHACs, which are parent and community volunteer groups charged with ensuring that local community values are reflected in health education instruction. SHACs make recommendations to the school board for sex ed and abuse prevention curriculum.
- **Curriculum adoption:** State law requires sex education and abuse prevention curriculum to be adopted by the school board, on the recommendation of the SHAC, with at least two public SHAC meetings.
- **Sex education content:** Instruction related to human sexuality must stress abstinence from sexual activity for students as the preferred and safest choice of behavior. If education on contraception and condoms is included, schools must teach "human use reality rates" regarding efficacy.
- **Parent rights:** Parents must provide written consent in order for their children to receive sex education or abuse prevention instruction. They have the right to review or purchase sex education curriculum. They must receive extensive notification about sex education or abuse prevention instruction that will be provided to their children. Parents must be able to review or purchase curriculum materials, and public domain materials must be posted online.
- **What laws don't include:** Sex education in Texas is not required under statute, although new TEKS covering sex education are required in middle school.
- **Charter districts** are required to teach Health Education TEKS, but are not required to follow provisions in 28.004 related to SHACs, curriculum adoption, and opt-in.

Texas Sex Ed Law: FAQs

- Texas law requires abstinence to be presented as the best and safest choice, with more time spent covering abstinence than other methods, but also allows instruction on topics like condoms and contraception.
- Texas law **does not** allow condoms to be distributed in sex ed class.
- Texas law **does** permit condom demonstrations.
- If questions about sensitive topics arise, teachers are always allowed to communicate the content of state law.
- The TEKS are minimum standards (the floor, not the ceiling). Districts may include content that goes beyond the TEKS.
- Districts are not limited to SBOE-adopted textbooks.
- Some districts may adopt policies that are stricter than state law.



To read Texas Education Code §28.004, scan the QR code.

Recent changes to state law

Two bills passed in the 87th Legislative Session (2021) made major changes to state law:

- **HB 1525** implemented requirements for parent consent for sex ed, new curriculum adoption processes, stronger parent notification and curriculum access, and more SHAC transparency
- **SB 9** (second special session) applied sex education laws to any instruction on the prevention of child abuse, family violence, dating violence or sex trafficking.